

District Judge Barbara J. Rothstein

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MON RITH, DALIS SUN, AND SUPER  
VIDEO INC. doing business as GROCERY  
PLUS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendants.

Case No. 2:19-cv-01582-BJR

JOINT STATUS REPORT AND  
DISCOVERY PLAN

**JOINT STATUS REPORT**

Pursuant to FRCP 26, the applicable Local Rules and the Court's Order Regarding Initial Disclosures and Joint Status Report (Dkt. 9), the parties, by and through the undersigned counsel, and having conducted an FRCP 26(f) conference on February 6, 2020, hereby submit this Joint Status Report and Discovery Plan.

**1. NATURE AND COMPLEXITY OF CASE**

This is a lawsuit against the United States seeking judicial review of the administrative decision by the Food and Nutrition Service of the United States Department of Agriculture to

1 permanently disqualify Plaintiff from participation in the Supplemental Nutrition Assistance  
2 Program (formerly known as the food stamps program) for trafficking in food stamps.  
3 Plaintiffs seek *de novo* review of the agency's final decision pursuant to 7 U.S.C. § 2023.  
4 Plaintiffs bear the burden of proving by a preponderance of the evidence that trafficking did  
5 not occur. The United States denies Plaintiffs' allegations.

6 **2. PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES**

7 The parties request 90 days for a deadline to join additional parties and amendment of  
8 pleadings.

9 **3. CONSENT TO UNITED STATES MAGISTRATE JUDGE**

10 No.

11 **4. PROPOSED DISCOVERY PLAN**

12 The parties participated in an FRCP 26(f) conference on February 6, 2020.

13 (A) Initial Disclosures:

14 The parties exchanged Initial Disclosures on February 27, 2020.

15 (B) Subjects, Timing, and Potential Phasing of Discovery

16 The parties anticipate the need to conduct discovery on all matters raised in the  
17 pleadings, including written discovery and depositions. The parties intend to cooperate in  
18 coordinating and scheduling discovery, and will conduct discovery in good faith and as  
19 necessary. This pledge, however, is not intended in any way to limit the scope of discovery or  
20 the rights of the parties as set forth by the Local and Federal Rules. The parties do not see a  
21 need for discovery to be conducted in phases. The parties propose that the discovery cut-off  
22 in this case be 120 days before trial.

23 (C) Electronically Stored Information

1 The parties do not anticipate any issues concerning the disclosure of, or discovery of,  
2 electronically stored information or data. If any issues arise, the parties will work together to  
3 resolve them.

4 (D) Privilege Issues

5 The parties agree to work together to resolve any issues that may arise concerning  
6 privileges.

7 (E) Proposed Limitations on Discovery

8 The parties agree that no limitations shall be made on discovery subject to the Federal  
9 and Local Rules.

10 (F) Discovery Related Orders

11 The parties filed a stipulated protective order to protect confidential, proprietary or  
12 private information exchanged in discovery. At this time, the parties do not anticipate the  
13 need for any additional orders under Local Rules 16 or 26.

14 **5. PARTIES' VIEWS, PROPOSALS, AGREEMENTS ON LCR 26(f)(1) TOPICS**

15 (A) Prompt Case Resolution

16 The parties will work collaboratively towards the prompt resolution of this case.

17 (B) Alternative Dispute Resolution

18 The parties are open to ADR, but initial discovery will need to be completed for this  
19 process to be productive.

20 (C) Related Cases

21 There are no related cases.

22 (D) Discovery Management

1 The parties will cooperate in good faith during discovery, use best efforts to comply  
2 with discovery requests, and act reasonably in propounding discovery. The parties will work  
3 together to resolve discovery disputes prior to filing any motions.

4 (E) Anticipated Discovery Sought

5 The parties anticipate the need for written discovery and depositions on the issues raised  
6 in the pleadings.

7 (F) Phasing Motions

8 The parties do not anticipate the need for phased discovery or phasing motions.

9 (G) Preservation of Discoverable Information

10 The parties understand, and will comply with, their obligation to preserve discoverable  
11 information. The parties have been advised to preserve any electronically stored information  
12 relevant to this case.

13 (H) Privilege Issues

14 The parties agree to work together to resolve any issues that may arise concerning  
15 privileges.

16 (I) Model Protocol for Discovery of ESI

17 The parties will formulate a protocol for discovery of ESI as necessary.

18 (J) Alternatives to Model Protocol

19 Alternatives to the Model Protocol will be discussed, if necessary.

20 **6. DISCOVERY DEADLINES**

21 The parties propose that the discovery cut-off in this case be 120 days before trial.

22 **7. BIFURCATION**

23 The parties agree that bifurcation is not appropriate for this matter.

**8. PRETRIAL STATEMENTS AND PRETRIAL ORDER**

At this time, the parties believe the pretrial statements and pretrial order called for by Local Rule 16 should be maintained.

**9. SHORTENING OR SIMPLIFYING CASE**

The parties have no other suggestions at this time for shortening or simplifying the case.

**10. TRIAL DATE**

The parties anticipate that this matter will be ready for trial on December 7, 2020.

**11. JURY OR NON-JURY TRIAL**

Non-jury.

**12. NUMBER OF TRIAL DAYS**

The parties anticipate that trial will last 2-4 days.

**13. TRIAL COUNSEL**

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1           **14. AVAILABILITY OF COUNSEL**

2           The parties do not foresee any scheduling conflicts to be considered in setting a trial date  
3 at this time.

4           **15. SERVICE ON ALL DEFENDANT(S) OR RESPONDENT(S)**

5           Plaintiffs have properly served the United States in this case.

6           **16. SCHEDULING CONFERENCE**

7           Assuming the Court agrees with the case scheduling deadlines as proposed by the  
8 parties, the parties do not request a scheduling conference before the entry of a Case  
9 Scheduling Order. Should the Court, however, determine the need to impose different  
10 deadlines, the parties request a scheduling conference.

11           **17. CORPORATE DISCLOSURE STATEMENT**

12           Plaintiff Super Video Inc. doing business as Grocery Plus filed its disclosure statement  
13 on December 4, 2019.

14           DATED this 5th day of March, 2020.

15                                   BRIAN T. MORAN  
16                                   United States Attorney

17 by: s/ Bardi David Martin

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22 Attorney for Plaintiffs

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